HAWAII ADMINISTRATIVE RULES 1998 TABLE OF STATUTORY SECTIONS IMPLEMENTED and DIRECTORY

1998 Supplement to 1995 Cumulative Edition

Compiled by

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FOREWORD

This publication sets forth a table listing the sections of the *Hawaii Revised Statutes* as they are implemented or interpreted by state administrative agency rules. This volume also includes a cumulative supplement to the 1995 edition of the Hawaii Administrative Rules Directory. The supplement lists all changes to section numbers or headings of rules adopted, amended, or repealed between May 1, 1996 and May 1, 1998. The 1997 Table of Statutory Sections Implemented and Rules Directory Supplement is superseded.

Disclaimer: Although every effort has been made to review and include all pertinent available data up to May 1, 1998, the information presented in this publication cannot be guaranteed to be a completely accurate listing of all state administrative rules. Information in this publication should be confirmed against official rules kept by the respective departments. This volume contains no references to rules that have not been converted to the Hawaii Administrative Rules format. Further, the Directory Supplement only lists amended sections that have had a change in the section number or heading. IT IS NOT A LISTING OF ALL AMENDED SECTIONS.

This publication was made possible to a substantial degree by the exhaustive efforts of various student employees of the Bureau who worked diligently on previous editions of the Directory. They are Mr. Willis Oshiro and Mr. Richard Lightner (1988 cumulative edition), Mr. Paul M. Saito (1989 supplement), Mr. Thomas S. Brennan (1990 supplement), Ms. Cynthia T. Tai (1991 cumulative edition), Ms. Jodi Kimura and Ms. Carlotta Diaz (1993 supplement), Ms. Lynn K. Kashiwabara (1994 supplement), Ms. Allison S.Y. Chang and Ms. Cathleen S. Chang (1995 cumulative edition), Mr. Eric Tashima (1996 supplement), and Mr. Joseph Kernan (1997 supplement). They served under the able direction and guidance of Assistant Director for Research Ken H. Takayama.

The Bureau also extends its sincere appreciation to Ms. Tanya Borabora of the Office of the Lieutenant Governor for her assistance.

Wendell K. Kimura Acting Director

October 1998

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INTRODUCTION

This publication replaces the 1997 Table of Statutory Sections Implemented, and should be used in conjunction with the 1995 cumulative edition of the Hawaii Administrative Rules Directory. Items listed in this publication include repealed sections and the headings of new sections and sections where the headings have changed. Sections that have been amended substantively are <u>not</u> listed if their headings or numbers were not changed.

I. Background

Section 91-5, *Hawaii Revised Statutes*, required state agencies to publish their rules by June 21, 1981, in the format for administrative rules prescribed by the revisor of statutes. The purpose of the legislation which enacted this requirement was to replace the multiplicity of agency rule formats with a single uniform format for all state agency rules. Not all agencies have fully complied with this requirement. Other agency rules are completely exempt from the Hawaii Administrative Procedure Act (chapter 91, *HRS*). Accordingly, this directory supplement lists only those rules filed with the lieutenant governor in the Hawaii Administrative Rules format between May 1, 1995, and May 1, 1998.

II. Numbering System

The Hawaii Administrative Rules format prescribed by the revisor of statutes is substantially similar to the format used in the *Hawaii Revised Statutes*. Among other things, the format brings all agency rules adopted pursuant to the Hawaii Administrative Procedure Act into a single numbering system. The numbering system consists of a series of titles, with each title divided into chapters, and each chapter divided into sections. A title includes all of the rules of a particular department, and all other agencies attached to that department for administrative purposes.

III. Table of Sections Implemented

The table of sections implemented provides a means of finding whether rules exist which implement or interpret sections of the state statutes. The table should be used subject to the following cautionary instructions:

- (1) Rule listings are only to rules that have been converted to the Hawaii Administrative Rules format. This does not preclude the existence of other rules interpreting the same section that have not been converted.
- (2) Whether or not a particular rule section is said to implement or interpret a particular statutory section is a determination made solely by the administrative agency which adopted the rule.

IV. Directory

The purpose of this administrative rules directory is to serve as a functional equivalent of a detailed table of contents. The directory is organized as follows:

- (1) With the exception of the offices of the governor and lieutenant governor (which are listed first), legislative agencies, the judiciary, and the department of public safety (which are listed as titles 21, 22, and 23, respectively), the title numbers correspond to the listing in alphabetical order of the state departments as they existed in 1982. Departmental name changes which have occurred since that time have resulted in the departments of business, economic development, and tourism, commerce and consumer affairs, human resources development, and human services being out of order alphabetically.
- (2) Each title begins with a title "analysis"--a listing, in numerical order, of all of the subtitles and parts (if any) and chapters contained within that title, and their respective headings.
- (3) Each title analysis is followed in turn by chapter analyses of each chapter contained in that title. A chapter analysis is a listing of all of the section numbers and headings of the sections contained within that chapter.

Users must keep in mind that each title contains all of the rules of a particular department as well as the administrative agencies assigned by law to that department for administrative purposes. To assist users in finding the location of rules of particular agencies, a listing of specific agencies and the title in which their rules are located is included at the end of this introduction.

A person viewing a copy of the actual rules will find three informational notes listed at the end of each section. The source note (material in brackets) gives historical information concerning that particular section. Abbreviations include "Eff" (date section originally became effective), "am" (date section was amended), "ren" (renumbered), "comp" (compiled--merging in amendments and other changes to notes without modifying text of section), and "R" (repealed). Citations of authority (material in parentheses beginning with "Auth:") indicate the state statutes, federal statutes, or federal rules which the adopting agency claims authorized the adoption of that particular section. The list of sections implemented (material in parentheses beginning with "Imp:") indicate the state statutes, federal statutes, federal rules, or other laws which the adopting agency claims the particular section to be implementing or interpreting.

Questions concerning the Directory or the Table may be addressed to Ken Takayama, Legislative Reference Bureau, State Capitol, Room 446, Honolulu, Hawaii 96813, phone 587-0666, fax 587-0681, e-mail Takayama@capitol.hawaii.gov.

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V. Citation

Rules may be cited as follows:

(1) When referring to a particular section:

(Section number), Hawaii Administrative Rules (agency name)

16-30-10, Hawaii Administrative Rules (Department of For example:

Commerce and Consumer Affairs)

(2) When referring to a chapter:

Chapter (title and chapter number), Hawaii Administrative Rules (agency

name)

For example: Chapter 16-30, Hawaii Administrative Rules (Department of

Commerce and Consumer Affairs)

VI. **Copies of Rules**

The difference between a uniform format for rules and a codification (such as the Code of Federal Regulations) is that only in codifications is there central control over publication. Under the uniform format system adopted by the legislature, each agency retains almost complete control over its own rulemaking proceedings. While a collection of a number of state agency rules published in the uniform format might take on the appearance of a code, no such code exists. Accordingly, copies of agency rules must be obtained from the respective agencies. Persons seeking to establish collections of rules are advised to specifically request copies of rules in the "official" format (i.e., on 8-1/2 x 11 inch paper, an exact replica of rules as filed with lieutenant governor). Agencies have been authorized to issue "unofficial" versions of rules which may differ from copies on file with the lieutenant governor in size of paper used, typesetting, the inclusion of relevant statutes or other materials, or any number of other modifications (although the actual text of the rules should not be modified in any way). All copies of rules distributed in other than the official format should be clearly marked "unofficial."

Persons to be contacted for copies of rules are as follows:

Stafford T. Nagatani

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Department of Taxation

Department of Transportation

University of Hawaii

State Ethics Commission

Judiciary

VI. Rulemaking Proceedings

The following persons have been designated by their respective departmental directors as the individuals to whom questions concerning the status of proposed new rules, or proposed amendments to or the repeal of existing rules may be addressed:

Stafford T. Nagatani Office of the Governor

Phone: 586-0042

Marian Tsuji Office of the Lieutenant Governor

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Phone: 586-0699 General Services

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Susan Gochros Judiciary

Phone: 539-4990

The mailing addresses of the persons on this list are the same as the distribution coordinators for the same department on the previous list.

VII. Internet Access

A few agencies have posted rules on various websites on the Internet. These postings have occurred as a result of the initiative of the particular agencies involved. The addresses of the respective websites are as follows:

Department of Accounting and General Services:

Procurement rules

www.hawaii.gov/icsd/dags/adminrule/admin.html

Department of Business, Economic Development, and Tourism

Hawaii community development authority

www.hawaii.gov/hcda/main development_rules.htm

Department of Commerce and Consumer Affairs

http://206.154.197.136/Hawaii/admin/DCCA/dcca.htm

Department of Health

Commission on persons with disabilities

http://www.hawaii.gov/health/cpd/cpd-adr0.htm

Emergency response

http://www.pdc.org/pdc/heer/heerscp.html

Department of Land and Natural Resources

Commission on water resource management

http://www.pixi.com/~dwrm/har.htm

Department of Taxation

www.state.hi.us/tax/tax.html

Department of Transportation

Harbors

www.state.hi.us/dot/harbors.htm

Highways

www.state.hi.us/dot/highways.htm

SELECTED AGENCIES ATTACHED TO DEPARTMENTS

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Acupuncture, Board of	16 15
Barbers, Board of	16 16
Campaign Spending Commission. Chief Election Officer. Child Support Enforcement Agency Chiropractic Examiners, Board of Civil Rights Commission Civil Service Commission, State Consumer Protection, Office of Contractors License Board Convention Center Authority Cosmetology, Board of Criminal Injuries Compensation Commission	2 2 5 16 12 14 16 16 15 16
Criminal Justice (Crime) Commission, Hawaii	2
Defender Council	6 16 11 11
Electricians and Plumbers, Board of Elevator Mechanics Board Employees' Retirement System Engineers, see Professional Engineers Ethics Commission	2 16 16 6
	21
Fire Council, State	12
Hawaii Community Development Authority Hawaii Crime (Criminal Justice) Commission Hawaii Historic Places Review Board Hawaii Housing Authority, see Housing and Community Development Corporation Hawaii Information Network Corporation (HAWAII INC) Hawaii Labor Relations Board	15 2 13 15 6 12
Hawaii Paroling Authority	23 16 6
Hawaii Strategic Development Corporation	15

	<u>Title</u>
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Professional Engineers, Architects, Land Surveyors and Landscape Architects, Board of Registration of	16
Procurement Policy Board	3
Psychology, Board of	16
Public Employees Compensation Appeals Board	14
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State Employees' Retirement System	6
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State Land Use Commission	15
State Postsecondary Education Commission.	20

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TABLE OF THE HAWAII REVISED STATUTES SECTIONS IMPLEMENTED OR INTERPRETED BY ADMINISTRATIVE RULES

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^{*}Probably should be chapter 11.

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[[]R] means HRS section is repealed.

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^{*}Probably should be 127-9. **Probably should be 39-53. [R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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^{*}Probably should be 444-4. [R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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^{*}Probably should be 103D-1006 or 103D-1005. [R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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[[]R] means HRS section is repealed. *Probably should be 157-31.

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^{*}Probably should be 141-2. [R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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^{*}Two different sections were given the same section number. The second §13-255-1 probably should be §13-255-2.

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[[]R] means HRS section is repealed. *Probably should be 235-5.

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[[]R] means HRS section is repealed. *Probably should be 286-246.

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[[]R] means HRS section is repealed. *Probably should be 305A-3.

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[[]R] means HRS section is repealed.

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[[]R] means HRS section is repealed. *Probably should be 323-5.1.

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[[]R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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[[]R] means HRS section is repealed.

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Session Laws	Admin. Rules Section(s)	Session Laws	Admin. Rules Section(s)
Act 270 §7	13-6-7, 8, 22		1996
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The following administrative rules purport to implement statutes that are either erroneously specified or nonexistent:

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2-41-7 ^a	11-193	16-19-1	431:7-
		16-77-52	44-4 ⁿ
4-60-13	157.31 ^b	16-98-21	465-11.5
4-70-8	150-5 ^c	16-104-1	$454-10^{\circ}$
4-72-5	171-2 ^d	16-114-49	66K-3 ^p
6-323-14	201-170 ^e	C 17-526	359-54
6-361-20	30-53 ^f	17-500-75	360-10 ^q
6-373-4	SLN ^g 1992	17-526-12	359-58
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		17-896-2	SLH 1986
8-39-10	27-9 ^h	17-1200 to 1204	353-1.4
8-400-20	296-6-49 ⁱ	C 17-1201	353-1.6
11-22-5	441-195	18-231-25.6-01, 25.6-02	231-25.6
11-150-01	323-51 ^j	18-235-5.5	235.5 ^r
11-141-12	$C 11-1^k$		
11-451-1	128D-24	19-127-1.9 ^s	286-8
		19-137-9	296-246 ^t
12-26-3 to 9	378-24	19-150-1 to 14	HSL ^u 1992
12-26-10 to 16	378-25		Act 46
12-26-21 to 23	378-22.1		
12-42-36	89-70 ¹	20-30-6	$305A-A^{v}$
12-50-7	396-4, 5 ^m		
		23-604-4	351-38
13-16-10	Rule 901	23-604-10	351-29
	Rule 902		
14-1-15	92-57		

a. Probably should be 2-14-7.

b. Probably should be 157-31.

c. Probably should be 150A-5.

d. Probably should be 141-2.

e. Probably should be 201E-170

f. Probably should be 39-53.

g. Probably should be SLH.

h. Probably should be 127-9.

i. Probably should be 296-49.

j. Probably should be 323-5.1.

k. Probably should be Chapter 11.

^{1.} Probably should be 89-7.

m. Probably should be 396-4.5

n. Probably should be 444-4.

o. Probably should be 484-10.

p. Probably should be 466K-3.

q. Probably should be 356-10.

r. Probably should be 235-5

s. Probably should be 19-127.1-9.

t. Probably should be 286-246.

u. Probably should be SLH.

v. Probably should be 305A-3.

HAWAII ADMINISTRATIVE RULES DIRECTORY 1998 SUPPLEMENT

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§2-14.1-3	Committee reports		
§2-14.1-4	Registration	Subch	apter 1 General Provisions
§2-14.1-5	Reporting deadline		
§2-14.1-6	Recordkeeping	§2-14.2-1	Purpose, scope, and construction
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§2-14.1-9	Contributions by political parties	§2-14.2-4	Legal counsel
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www.hawa	ii.gov/icsd/dags/adminrule/admin.html				
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Physical environment

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